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OCT 07 2009

Docket No.: 38952-180895  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Albert DUNN

Art Unit: 6270

Application No: 06/531,939

Examiner: Bernarr E. Gregory

Confirmation No:

Filed: September 7, 1983

Atty. Docket No: 38952-180895

For: STEERING OF MISSILES

Customer No:

**26694**

PATENT TRADEMARK OFFICE

**RENEWED PETITION UNDER 37 CFR 1.137(B)**

MS Petitions  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the dismissal of Applicant's Petition of August 11, 2009, Applicant submits the following Renewed Petition under 37 CFR 1.137(b). Any necessary additional fees are hereby authorized to be charged, and any overpayments credited to, our Deposit Account No. 22-0261, referencing our docket no. 38952-180895.

**Applicant remarks begin on page 2 of this paper.**

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**I. REMARKS**

Applicant herewith submits a Renewed Petition under 37 CFR 1.137(b). The Applicant includes an updated Terminal Disclaimer which lists the proper owner of the application and also includes the Disclaimer Fee. Applicant also resubmits a copy of the Reply and Petition of July 8, 2009. Accordingly, Applicant respectfully requests the U.S. Patent and Trademark Office to remove the security classification markings issued under Executive Order 12958 and to revive the above-identified application.

Attachments: Updated Terminal Disclaimer and Fee Transmittal

Reply of July 8, 2009

Petition for Revival of an Application for Patent Abandoned

Unintentionally under 37 CFR §1.137(b) of July 8, 2009

Fee Transmittal for Petition of July 8, 2009

Letter from Department of Army dated March 20, 2009

**II. CONCLUSION**

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the PTO believes, for any reason, that personal communication will expedite prosecution of this application, the PTO is hereby invited to telephone the undersigned at the number provided.

OCT 07 2009

Attorney Docket No.: 38952-180895

Applicant: Albert DUNN  
Appl. No.: 06/531,939

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: 10/7/09

Respectfully submitted,

By 

Robert Kinberg

Registration No.: 26,924

Jeffri A. Kaminski

Registration No.: 42,709

Justine A. Gozzi

Registration No.: 60,513

VENABLE LLP

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Attorney/Agent For Applicant

JAK:JAG  
1051063v3

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 C.F.R. 1.8(A)**

I hereby certify that this correspondence is being transmitted by facsimile on the  
date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date: 10/7/09

  
Jeffri A. Kaminski

OCT 07 2009

Docket No.: 38952-180895  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Albert DUNN

Art Unit: 6270

Application No: 06/531,939

Examiner: Bernarr E. Gregory

Confirmation No:

Filed: September 7, 1983

Atty. Docket No: 38952-180895

For: STEERING OF MISSILES

Customer No:

**26694**  
PATENT TRADEMARK OFFICE

**REPLY**

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Office Action dated December 15, 2006, Applicant submits the following Reply. Any necessary additional fees are hereby authorized to be charged, and any overpayments credited to, our Deposit Account No. 22-0261, referencing our docket no. 38952-180895.

**Applicant remarks begin on page 2 of this paper.**

**I. REMARKS**

The Office Action of December 15, 2006 provides that the Applicant is required to obtain authorization to remove all security markings from the application or obtain a new secrecy order recommendation from the federal agency responsible for the markings. Applicant herewith resubmits a letter dated March 20, 2006 from the Department of the Army, United States Army Legal Services Agency, which recommends that the secrecy order be rescinded in U.S. Application Number 06/531,939. Accordingly, Applicant respectfully requests the U.S. Patent and Trademark Office to remove the security classification markings issued under Executive Order 12958.

Attachment: Letter from Department of Army dated March 20, 2009

**II. CONCLUSION**

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the PTO believes, for any reason, that personal communication will expedite prosecution of this application, the PTO is hereby invited to telephone the undersigned at the number provided.

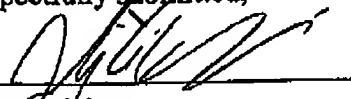
Prompt and favorable consideration of this Amendment is respectfully requested.

Dated:

7/6/09

Respectfully submitted,

By



Robert Kinberg

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Jeffri A. Kaminski

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1044338

OCT 07 2009

PTO/SER4 (01-09)

Approved for use through 04/30/2009. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
38852-180895

First named inventor: Albert DUNN

Application No.: 06/531,939

Art Unit: 827D

Filed: September 7, 1993

Examiner: Bernarr E. Gregory

Title: STEERING OF MISSILES

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity -- fee \$ 1,750.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of a Reply Letter to the Action of December 15, 2006 (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 07 2009

PTO/SB/64 (03-08)

Approved for use through 04/30/2009. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☒ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
Signature

7/9/09  
Date

Jeffri A. Kaminski  
Typed or printed name

42,709  
Registration Number, if applicable

Venable LLP; PO Box 34386  
Address

202-344-4000  
Telephone Number

Washington, DC 20043-9998  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☒ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

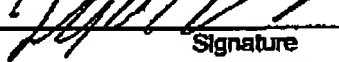
☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

7/9/09  
Date

  
Signature  
Jeffri A. Kaminski  
Typed or printed name of person signing certificate